

1979 WL 42961 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 26, 1979

*1 Honorable Henry C. Chambers
Mayor
City of Beaufort
P. O. Drawer B
Burton, SC 29902

Dear Mayor Chambers:

On April 25, 1979, I received a call from a city official inquiring if you, as Mayor, would be considered a qualified candidate if you did not live within the precinct where you voted. I informed him that the South Carolina Constitution requires all persons who hold office in this State to be qualified electors and requires all electors to vote in the precinct in which they reside. [South Carolina Constitution, Article VI, Section 1](#); Article II, Section 4. I then called you to inform you of this conversation. In the course of our conversation, you informed me that you believed that the precinct in which you reside overlapped with the precinct where you actually voted.

I have conferred with Bob Bowers, Chief Demographer, Research and Statistical Services Division, and he informs me that the two precincts were obviously not intended to overlap and that the maps were drawn to reflect two separate precincts in Beaufort No. 3 and Mossy Oaks No. 1. South Carolina Code of Laws (1976), Section 7-7-110 states that the . . . precinct lines defining the above precincts are as shown on maps filed with the clerk of court of the county and also on file with the State Election Commission as provided and maintained by the Division of Research and Statistical Services of the State Budget and Control Board. (Emphasis added)

The maps Bob Bowers has on file in the Division of Research and Statistics shows Beaufort No. 3 and Mossy Oaks No. 1 as being two separate precincts. However, the language of the statute describing the two precincts may be vague and subject to being interpreted as overlapping. The maps as drawn, should control, and this would further the Legislative intent as it would not be reasonable for the Legislature to draw two precincts that intentionally overlap.

Further, I understand that you moved from your home in the City in 1972 to your present home. I have checked with the Secretary of State and have been unable to locate a map of the City of Beaufort that would indicate where the City boundaries and precinct lines were in 1972. If you moved outside of the Beaufort No. 3 precinct in 1972, you should have re-registered at that time in your new precinct. However, if your move did not take you out of the then existing Beaufort No. 3 precinct you, of course, would have had no necessity to re-register at that time. Assuming you were in Beaufort No. 3 when the boundary lines of the precinct changed, the Registration Board should have mailed you a new certificate reflecting your new precinct. South Carolina Code of Laws (1976) Section 7-7-720.

Given the limited information that I have concerning annexations, boundary lines, etc., it is impossible for me to make a definitive determination as to the proper precinct in which you should be registered. I have attempted in this letter to set out the considerations involved in determining the propriety of your registration; and I must defer to your City Attorney who is in the best position to know the necessary local information to make the final determination as to your proper precinct and, therefore, the propriety of your candidacy, after weighing all of the considerations involved.

Very truly yours,

***2** Treva G. Ashworth
Senior Assistant Attorney General

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